

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MARIO PILLCO MOROCHO, ABDOULAYE FALL, DARLIN GUILLERMO, JUAN CARLOS ILLICACHI SHIGLA, DIEGO AMADOR GALINDO, SEGUNDO FABIAN ARMIJOS, DIEGO GUALLÁN TIXI, MIGUEL LUCAS IXCUNA YAX, LLOYD WAFULA, CONROY DESMOND LEWIS, CARLOS MENJIVAR, NUELSON GOMES, FLAVIO ANDRADE PRADO JUNIOR, JANITO DE CARVALHO, JOAO FERNANDES, AIRES DA GRACA, and MARCO BATTISTOTTI,

*Plaintiffs,*

Case No.: 1:22-cv-10652-MPK

BRISTOL COUNTY SHERIFF'S OFFICE; and THOMAS HODGSON, STEVEN SOUZA, BRUCE ASSAD, JOSEPH OLIVER III, BARRY FERREIRA, PAUL DOUGLAS, JOSHUA DUBE, JOSHUA SYLVIA, DOUGLAS MONGEON, JONATHAN ALLARD, CHRISTOPHER GONCALVES, NELSON CABRAL, MICHAEL GONCALVES, MOISES ISIDORO, TIMOTHY MELO, KENNETH ALMEIDA, WILLIAM DILLINGHAM, MATTHEW BOYER, ANDREW SOUSA, GARRETT CORREIA, MARK AMARAL, RYAN ISHERWOOD, CHARLES GRISWOLD, NOLAN REARDON, JENNIFER PICARD, and JUDITH BORGES, all in their individual capacities,

*Defendants.*

**REQUEST FOR ENTRY OF DEFAULT**

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiffs respectfully request that the Clerk of Court enter default against Defendants Bristol County Sheriff's Office, Thomas **HODGSON**, Steven **SOUZA** (collectively "Existing Defendants") and Defendants Jonathan

**ALLARD**, Kenneth **ALMEIDA**, Mark Rodi (**AMARAL**), Bruce **ASSAD**, Judith **BORGES**, Matthew **BOYER**, Nelson **CABRAL**, Garrett **CORREIA**, William **DILLINGHAM**, Paul **DOUGLAS**, Joshua **DUBE**, Barry **FERREIRA**, Christopher **GONCALVES**, Michael **GONCALVES**, Charles **GRISWOLD**, Moses **ISIDORO**, Ryan **ISHERWOOD**, Timothy **MELO**, Douglas **MONGEON**, Joseph **OLIVER III**, Jennifer **PICARD**, Nolan **REARDON**, Andrew **SOUSA**, and Joshua **SYLVIA** (collectively, “New Defendants”).

On May 9, 2025, this Court granted Plaintiffs’ Motion for Leave to File their Second Amended Complaint. ECF 158. That same day, Plaintiffs filed their Second Amended Complaint, which names each New Defendant in their individual capacity. ECF 159. Existing Defendants received service of the Second Amended Complaint pursuant to Fed. R. Civ. Pr. 5 via ECF electronic notice to their counsel of record.

On Friday, May 16, 2025, Plaintiffs properly served each New Defendant via email to their counsel, William Breen, and to the representative of Bristol County Sheriff’s Office, Edward Meyers. *See* ECF 161 (Affidavit of Service). Mr. Breen had agreed to accept service in this manner. *See* Decl. of Elena Plenefisch, ¶ 3. Mr. Breen has subsequently filed various motions and notices on behalf of New Defendants. *See* ECF 165 (Motion to Amend Scheduling Order); ECF 166 (Notice of Appearance on behalf of Bruce Assad); ECF 168 (Consent to Jurisdiction by US Magistrate Judge).

Existing Defendants’ answers or other responses to the Second Amended Complaint were due on May 23, 2025. Fed. R. Civ. Pr. 15(a)(3); *see also Bern Unlimited, Inc. v. Burton Corp.*, 25 F. Supp. 3d 170, 177 (D. Mass. 2014) (“An amended complaint requires a ‘response’—either a motion under Rule 12 or a new (that is, amended) answer.”); *Yong Li v. Huffman*, No. 2011-CV-11557-NMG, 2012 WL 462828, at \*1 (D. Mass. Jan. 3, 2012) (“In the First Circuit, once an

amended complaint is filed, ‘the earlier complaint is a dead letter and no longer performs any function in the case.’ Accordingly, pleadings directed to the earlier complaint are a nullity. A defendant must file a pleading in response to the amended complaint . . . .”) (cleaned up) (quoting *ConnectU LLC v. Zuckerberg*, 522 F.3d 82, 91 (1 Cir., 2008)). New Defendants’ answers or other responses to the Second Amended Complaint were due on June 6, 2025. ECF 161. No answer or motion has been filed by any Defendant. Accordingly, Plaintiffs seek and are entitled to entry of a default.

Dated: June 10, 2025

Respectfully submitted,

/s/ Elena Plenefisch

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Elena Plenefisch, hereby certify that on June 10, 2025, I caused a true and accurate copy of the forgoing to be served on counsel of record by CM/ECF.

/s/ Elena Plenefisch  
Elena Plenefisch